

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

**ORDER AFFIRMING THE RECOMMENDED DECISION  
OF THE MAGISTRATE JUDGE AND DENYING MOTION TO APPOINT  
COUNSEL**

On June 30, 2021, the United States Magistrate Judge filed with the Court, with copies to the parties, his Recommended Decision on the Defendant's motion to dismiss (ECF No. 25). The time within which to file objections has expired, and no objections have been filed. The Magistrate Judge notified the parties that failure to object would waive their right to *de novo* review and appeal.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. The motion to dismiss is **DENIED**. Service of process is **QUASHED**, and the Plaintiff is further **ORDERED** to effect proper service of process upon the Defendant within fourteen days from the date of this order.

The Plaintiff has also requested that he be provided with court-appointed counsel (ECF Nos. 23, 29). There is no constitutional right to counsel in a civil case. *DesRosiers v. Moran*, 949 F.2d 15, 23 (1st Cir. 1991). To be entitled to counsel, a plaintiff must “demonstrate that he [is] indigent and that exceptional circumstances

[are] present such that a denial of counsel [is] likely to result in fundamental unfairness impinging on his due process rights." *Id.*

The Plaintiff has not demonstrated that he can meet that high bar for two reasons. First, he has not demonstrated that he is indigent. Second, difficulty finding counsel, a lack of knowledge about legal proceedings, and a lack of English proficiency do not constitute exceptional circumstances. The first two are common to most (if not all) *pro se* plaintiffs, while the third can be addressed through the use of an interpreter. The motion is **DENIED**.

SO ORDERED.

/s/ Nancy Torresen  
United States District Judge

Dated this 23rd day of August, 2021.